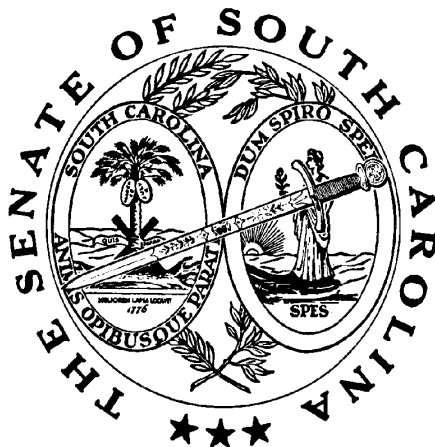


NO. 25

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MARCH 3, 2009

Tuesday, March 3, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by Senator ALEXANDER.

ADDENDA TO THE JOURNAL

The following Statement by Senator ROSE will be added to the Journal of February 26, 2009:

Statement by Senator ROSE

At the request of Dorchester County Council, I was on leave from the Senate on February 25th and 26th to attend multiple meetings in Washington, DC, with members of South Carolina's Congressional Delegation and other federal officials, along with officials of Dorchester and Orangeburg Counties, regarding how to better economically develop Dorchester County, especially near the intersection of I-95 and I-26.

If present in the Senate, I would have voted as follows: Feb. 25th: "aye" on 2nd reading of S 132; "no" to table Amendments P-1, P-5 and P-6 to S 12; and "aye" on second reading of S. 12; Feb. 26th: "aye" to second reading of S 9.

* * *

The following Statement by Senator ROSE will be added to the Journal of February 18, 2009:

Statement by Senator ROSE

My proposed amendment to S. 351 required that a public log be kept by the State Ports Authority of each contact between (1) SPA Board members and officers and (2) legislators, the Governor and their staffs if that contact involved potential SPA action. I introduced and voted for this amendment because the SPA is a government monopoly whose policies and operations have been determined in the past and likely will continue to be based in the future too much on clandestine political interference and meddling by senior legislators rather than on professional business management, unless the future actions of legislators regarding the SPA become known to the public. The

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Governor welcomed the transparency of having a public log made of his and legislators' contacts with the SPA's Board as required by my amendment, but the Senators who voted against that amendment rejected that transparency.

* * *

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Mark C. Sanford:

Local Appointment

Initial Appointment, Hampton County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

William T. Armstrong, 117 Mary Street, Hampton, SC 29924 *VICE*
Grace Bennett

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 3199

Agency: Department of Health and Environmental Control

SUBJECT: South Carolina Trauma Care Systems

Received by Lieutenant Governor April 25, 2008

Referred to Medical Affairs Committee

Legislative Review Expiration April 1, 2009

Withdrawn and Resubmitted February 26, 2009

Doctor of the Day

Senator COURSON introduced Dr. March Seabrook of West Columbia, S.C., Doctor of the Day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 435 Sens. Davis, Fair, Rose, O'Dell

S. 463, 464, 465 Sen. Rose

S. 485, 486 Sen. Rose

S. 424 Sen. Peeler

S. 494 Sens. Coleman, Verdin

S. 224 Sen. Cromer

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S. 324 Sen. Cleary
S. 319, 435 Sen. Lourie

Expression of Personal Interest

Senator McCONNELL rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator THOMAS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator KNOTTS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

PRESIDENT *Pro Tempore* PRESIDES

At 12:59 P.M., Senator McCONNELL assumed the Chair.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

RECALLED

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator SHEHEEN asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

[SJ]

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S. 495 -- Senator Massey: A BILL TO AMEND SECTION 50-11-2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 496 -- Senator Alexander: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO CONFORM THE PROVISIONS TO REFLECT THAT THE PREVIOUS POWERS AND DUTIES OF THE STATE BOARD OF FINANCIAL INSTITUTIONS RELATING TO THOSE CONTRACTS HAS BEEN TRANSFERRED TO THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE FOR A CONTESTED CASE HEARING BEFORE THE REVOCATION OR SUSPENSION OF A LICENSE FOR VIOLATION OF THE CHAPTER, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, AND TO MAKE TECHNICAL CHANGES; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

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Read the first time and referred to the Committee on Judiciary.

S. 497 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT

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NUMBER 3216, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 498 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY IN LOCAL DETENTION FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3220, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 499 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOUTH CAROLINA TRAUMA SYSTEM, DESIGNATED AS REGULATION DOCUMENT NUMBER 3199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 500 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3215, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

TUESDAY, MARCH 3, 2009

S. 501 -- Senator Leatherman: A BILL TO ENACT THE PROVISOR CODIFICATION ACT OF 2009, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISORS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2009-2010 ONLY.

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Read the first time and referred to the Committee on Finance.

S. 502 -- Senator O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "DEPARTMENT OF THE NAVY" SPECIAL LICENSE PLATES.

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Read the first time and referred to the Committee on Transportation.

S. 503 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIREWORKS AND PYROTECHNICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3219, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 504 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO LIQUEFIED PETROLEUM (LP) GAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3218, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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[SJ]

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Read the first time and ordered placed on the Calendar without reference.

S. 505 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3217, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 506 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY, DESIGNATED AS REGULATION DOCUMENT NUMBER 3214, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 507 -- Senator Williams: A SENATE RESOLUTION TO COMMEND DOROTHY ELLIS KING, OF FLORENCE COUNTY, FOR HER TWENTY-FOUR YEARS OF DEDICATED SERVICE TO FRANCIS MARION UNIVERSITY, AND TO RECOGNIZE HER UPON THE OCCASION OF THE NAMING OF A FRANCIS MARION UNIVERSITY BUILDING IN HER HONOR.

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The Senate Resolution was adopted.

S. 508 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews,

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McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE MARTHA HELEN KENNEDY, OF LEXINGTON COUNTY, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 509 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) ON ITS ONE HUNDREDTH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 510 -- Senator Jackson: A SENATE RESOLUTION TO HONOR JUDGE MILDRED WEATHERS MCDUFFIE, OF RICHLAND COUNTY, FOR HER OUTSTANDING SERVICE TO HUMANITY, HER COMMUNITY, AND HER CHURCH.

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The Senate Resolution was adopted.

S. 511 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-655.5 SO AS TO CREATE THE OFFENSE OF UNLAWFUL SEXUAL CONDUCT BETWEEN MINORS, TO PROVIDE A PENALTY, AND TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS NOT REQUIRED TO REGISTER AS A SEX OFFENDER.

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Read the first time and referred to the Committee on Judiciary.

S. 512 -- Senators Lourie, Anderson, Nicholson, Knotts and Cromer: A BILL TO AMEND SECTION 16-3-740 OF THE 1976 CODE, RELATING TO TESTING FOR HEPATITIS B AND HIV FOR OFFENDERS AND VICTIMS OF CERTAIN CRIMES, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL

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VIOLENCE AGAINST WOMEN ACT; TO AMEND CHAPTER 3, TITLE 16, BY ADDING SECTION 16-3-750, RELATING REQUIRING VICTIMS OF CERTAIN CRIMES TO SUBMIT TO POLYGRAPH EXAMINATIONS, TO MANDATE THE INVESTIGATIVE AND PROSECUTORIAL PROCEDURES OF CERTAIN CRIMES IN SOUTH CAROLINA COMPLY WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND SECTION 16-3-1350, RELATING COST OF MEDICOLEGAL EXAM FOR VICTIMS OF CERTAIN CRIMES, TO PREVENT THE VICTIM OF CERTAIN CRIMES FROM BEARING THE COST OF THE EXAM AS REQUIRED BY THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND SECTION 20-4-60, RELATING TO THE CONTENT OF ORDERS OF PROTECTION, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND CHAPTER 25, TITLE 16 OF THE 1976 CODE, BY ADDING SECTION 16-25-30, RELATING TO OFFENDERS CONVICTED OF CERTAIN CRIMES, TO REQUIRE NOTIFICATION OF FEDERAL LAW BE PROVIDED UPON CONVICTION AS REQUIRED BY THE FEDERAL VIOLENCE AGAINST WOMEN ACT; AND TO AMEND SECTION 16-3-1770, RELATING TO THE CONTENT OF RESTRAINING ORDERS, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT.

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Read the first time and referred to the Committee on Judiciary.

S. 513 -- Senator Cleary: A BILL TO AMEND SECTION 40-28-110 OF THE 1976 CODE, RELATING TO LICENSING AND REGISTRATION OF LANDSCAPE ARCHITECTS, TO CLARIFY THE EXPERIENCE NEEDED TO FULFILL THE TWO-YEAR SUPERVISED EXPERIENCE REQUIREMENT.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 514 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN

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JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

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The Concurrent Resolution was adopted, ordered sent to the House.

H. 3042 -- Reps. Merrill, Parker, Huggins, H. B. Brown, Anderson, J. E. Smith, Miller, M. A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G. R. Smith, Millwood, Whipper and Bannister: A BILL TO AMEND SECTIONS 40-81-20, 40-81-50, 40-81-70, 40-81-230, 40-81-280, 40-81-430, AND 40-81-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40-81-445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3080 -- Reps. J. E. Smith, Williams and Sellers: A BILL TO AMEND SECTION 56-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE TO CERTAIN MINORS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE RESTRICTIONS CONTAINED IN THIS DRIVER'S LICENSE MAY BE MODIFIED OR WAIVED BY THE DEPARTMENT IF THE RESTRICTED LICENSEE PROVES THAT THE RESTRICTIONS INTERFERE WITH TRAVEL BETWEEN THE LICENSEE'S HOME AND RELIGIOUS SPONSORED EVENTS.

Read the first time and referred to the Committee on Transportation.

H. 3094 -- Reps. Littlejohn, Parker and Agnew: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY

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ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A VEHICLE THAT IS NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS THE VEHICLE'S EXTERIOR EQUIPMENT AND MARKINGS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PENALTY.

Read the first time and referred to the Committee on Transportation.

H. 3121 -- Reps. J. E. Smith, E. H. Pitts, T. R. Young, Hutto, M. A. Pitts, Allison and Parker: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-15-75 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO REMOVE, OR ATTEMPT TO REMOVE, FROM THIS STATE MORE THAN TEN TURTLES OF CERTAIN NAMED SPECIES, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3123 -- Reps. J. E. Smith, H. B. Brown, McLeod, Horne, Weeks, Hutto and T. R. Young: A BILL TO AMEND SECTION 40-5-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

Read the first time and referred to the Committee on Judiciary.

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R. L. Brown, Whipper and King: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC

TUESDAY, MARCH 3, 2009

PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Read the first time and referred to the Committee on Medical Affairs.

H. 3175 -- Reps. G. R. Smith, G. M. Smith and Bedingfield: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMISSION TO A CHARTER SCHOOL, SO AS TO PROVIDE THAT ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ALREADY ENROLLED IN THE CHARTER SCHOOL WHO HAS ATTENDED THE SCHOOL FOR ONE YEAR OR MORE.

Read the first time and referred to the Committee on Education.

H. 3179 -- Reps. Cooper, Battle, H. B. Brown, Funderburk, Hodges, T. R. Young, Vick, Hardwick, Clemmons and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-10-400 SO AS TO ENACT THE "SOUTH CAROLINA FARM TO SCHOOL PROGRAM ACT", TO PROVIDE FOR THE CREATION OF THE SOUTH CAROLINA FARM TO SCHOOL PROGRAM, TO PROVIDE FOR THE DUTIES OF ITS DIRECTOR, AND TO ESTABLISH A WEBSITE DEDICATED TO PROGRAM INITIATIVES.

Read the first time and referred to the Committee on Education.

H. 3187 -- Reps. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

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Read the first time and referred to the Committee on Banking and Insurance.

H. 3245 -- Reps. Delleney, Nanney, Simrill, G. R. Smith, G. M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J. R. Smith, Clemmons, Bedingfield, E. H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

Read the first time and referred to the Committee on Medical Affairs.

H. 3247 -- Reps. Huggins and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-445 SO AS TO PROVIDE A LANDLORD OF A MULTI-FAMILY DWELLING MAY EMPLOY CERTAIN EQUIPMENT OR METHODOLOGY TO DETERMINE THE QUANTITY OF WATER PROVIDED TO EACH SINGLE-FAMILY RESIDENCE WITHIN THE DWELLING, AND TO PROVIDE THE LANDLORD MAY CHARGE A TENANT FOR WATER AND WASTEWATER USED BY HIS SINGLE-FAMILY RESIDENCE, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 27-40-210, RELATING TO GENERAL DEFINITIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE A MULTI-FAMILY DWELLING; AND TO AMEND SECTION 27-40-440, RELATING TO A LANDLORD'S OBLIGATIONS, SO AS TO PROVIDE SPECIFIC REQUIREMENTS

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PERTAINING TO THE PROVISION OF CENTRAL HEAT AND HOT WATER TO A MULTI-FAMILY DWELLING.

Read the first time and referred to the Committee on Judiciary.

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith, J. R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Read the first time and referred to the Committee on Judiciary.

H. 3343 -- Reps. Rutherford, Weeks and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-5-180 SO AS TO PROVIDE THAT THE ADMINISTRATOR OF A JAIL OR DETENTION CENTER SHALL PROVIDE AN ATTORNEY ACCESS TO HIS CLIENTS WHO ARE CONFINED IN THESE FACILITIES DURING THE PERIOD OF EIGHT O'CLOCK A.M. TO SIX O'CLOCK P.M.

Read the first time and referred to the Committee on Corrections and Penology.

H. 3509 -- Reps. M. A. Pitts, Duncan, Thompson, Bowen, Toole, Stringer, Hamilton, Pinson, Bedingfield, G. R. Smith, Cooper, Crawford, Long, Lowe, Nanney, Owens, E. H. Pitts, Rice, Viers, White, Haley, Clemmons, Horne, Wylie, Huggins, Allison, Parker, A. D. Young, Millwood, Simrill, Willis, Herbkersman, Cato, Littlejohn, J. R. Smith, Hiott and Erickson: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

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H. 3565 -- Reps. Clemmons, Horne and A. D. Young: A BILL TO AMEND SECTION 4-9-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY COUNCIL MEMBERS HOLDING OTHER OFFICES AND THE SALARY AND COMPENSATION OF COUNCIL MEMBERS, SO AS TO PROVIDE THAT AN ORDINANCE REDUCING THE SALARY OF A COUNCIL MEMBER IS EFFECTIVE ON THIRD READING OF THE ORDINANCE, UNLESS PROVIDED OTHERWISE.

Read the first time and referred to the Committee on Judiciary.

HOUSE CONCURRENCE

S. 492 -- Senators Setzler, Knotts, Courson and Cromer: A CONCURRENT RESOLUTION TO COMMEND PROVIDENCE HOSPITALS AND LEXINGTON MEDICAL CENTER FOR COLLABORATIVELY WORKING TO IMPROVE MEDICAL CARE FOR THE CITIZENS OF THE MIDLANDS OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILLS

The following Joint Resolution, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 461 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO LICENSING STANDARDS FOR CONTINUING CARE RETIREMENT COMMUNITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3204, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

AMENDED, READ THE SECOND TIME

S. 487 -- Senators Bright and Reese: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO

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REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator S. MARTIN proposed the following amendment (487R002.SRM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1(C) of Act 612 of 1984 is amended to read:

“(C) To place the name of a candidate on the ballot, qualified electors of the school district must file with the Spartanburg County Election Commission, ~~not less than sixty days before the date of the election~~ on or before the third Monday in August in the year of an election, a petition which must contain the names of qualified electors of a number equal to not less than ~~three hundred fifty~~ one hundred twenty qualified electors of the district or five percent of the total number of electors of the district, whichever is the lesser. In the event no petition is filed within the time limits specified, the ~~county~~ appropriate district board of ~~education~~ trustees must appoint a successor.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

AMENDED, AMENDMENT PROPOSED, CARRIED OVER

S. 146 -- Senators Campsen, Rose and Ford: A BILL TO AMEND THE 1976 CODE BY ADDING SECTION 20-3-240 TO ENACT THE “FAMILY COURT FINANCIAL PRIVACY ACT” TO PROVIDE THAT A FINANCIAL DECLARATION MADE A PART OF THE RECORD IN A MATTER BEFORE THE FAMILY COURT MUST BE SEALED, TO PROVIDE ACCESS TO A FINANCIAL DECLARATION UPON REQUEST ONLY BY THE PARTIES, THE COURT AND PERSONNEL OF THE COURT, AND THE CHILD

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SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES, AND TO PROHIBIT OTHER ACCESS EXCEPT UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN; AND TO AMEND SECTION 30-4-40, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, TO EXEMPT FINANCIAL DECLARATIONS IN MATTERS BEFORE THE FAMILY COURT EXCEPT ON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator SETZLER proposed the following amendment (FINDEC), which was adopted:

Amend the bill, as and if amended, in SECTION 2, on page 1, by striking line 39 and inserting:

/ all attached documents. /

Amend the bill further, as and if amended, in SECTION 3, on page 2, by striking line 19 and inserting:

/ “() Financial declaration forms and all attached documents that/

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator MALLOY proposed the following amendment (FINDECMALLOY):

Amend the bill, as and if amended, on page 1 and 2, by striking SECTION 2 and inserting:

/ SECTION 2. Article 1, Chapter 3, Title 20 of the 1976 Code is amended by adding:

“Section 20-3-240. (A) ‘financial declaration form’ means a form containing only financial declarations, and ‘financial declaration supporting documents’ means all documents attached to a financial declaration form to include, but not be limited to, bank statements.

(B) The clerk of court shall seal all financial declaration supporting documents that are made a part of the court record in any matter before the family court. Financial declaration forms shall not be sealed except on order of the court upon good cause shown. In the pending

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action or a subsequent action involving any party to the pending action, the parties, their attorneys, the family court judge and the judge's staff, the clerk of court and the clerk's staff, and the Child Support Enforcement Division of the Department of Social Services shall be granted access to the financial declaration supporting documents upon request to the clerk of court without filing any motion. No other person shall unseal or be granted access to a financial declaration supporting documents except on order of the court upon good cause shown.

(C) No cause of action may be brought against a clerk of court or the clerk's staff for granting access to financial declaration supporting documents made a part of the court record in any matter before the family court to a person other than described in subsection (B) of this section unless the granting of such access was willful, knowing, reckless, or grossly negligent." /

To amend the bill further, as and if amended, on page 2, by striking line 19 and inserting

/ "() Financial declaration supporting documents that /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

On motion of Senator CAMPSSEN, the Bill was carried over, as amended.

AMENDMENT PROPOSED, CARRIED OVER

S. 232 -- Senators Ryberg, Hutto and Massey: A BILL TO AMEND SECTION 48-52-210 OF THE 1976 CODE, RELATING TO THE PLAN FOR THE STATE ENERGY POLICY, TO ENCOURAGE THE USE OF CLEAN ENERGY SOURCES; AND TO AMEND ARTICLE 2, CHAPTER 52, TITLE 48 BY ADDING SECTION 48-52-220 TO PROVIDE A DEFINITION FOR "RENEWABLE ENERGY RESOURCES".

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

Senator RYBERG proposed the following amendment (232R003.WGR):

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Amend the Committee Amendment, as and if amended, page [232-1], by striking lines 37 - 42 and inserting:

/ SECTION _____. Section 48-52-420 of the 1976 Code is amended by adding at the end:

“(12) ensure that any future energy strategy that promotes carbon-free, non-greenhouse gas emitting sources includes nuclear energy, nuclear fuel reprocessing, renewable energy resources, and energy conservation and efficiency.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

On motion of Senator MARTIN, with unanimous consent, the Bill was carried over with Senator LEVENTIS retaining the floor.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Hampton County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

William T. Armstrong, 117 Mary Street, Hampton, SC 29924 *VICE*
Grace Bennett

ADJOURNMENT

At 1:26 P.M., on motion of Senator MARTIN, the Senate adjourned to meet tomorrow at 2:00 P.M.

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